

Applicants initially note that Claims 2-24 are original claims and currently stand in exactly the form as they did on the priority date of the current application. Claim 1 has been twice amended since such time. The first amendment was made in Paper No. 8, and merely clarified a) that the translocation across a vesicular membrane takes place in a pancreatic cell, and b) that the claimed composition may block enzymatic secretion. These changes were supported by the specification at e.g., page 11, lines 11-22 and page 11, lines 28-29, respectively.

The second amendment of Claim 1 was made in Paper No. 10, in which Applicants added the requirement that the claimed composition be transported across a pancreatic cell membrane. This is, of course, an essence of the present invention and is supported by the specification at e.g., page 11, lines 11-16. Finally, the claim has now been amended to make clear that the therapeutic element is comprised in a different polypeptide chain than said first and second element. The current amendment is supported by the specification at, e.g., page 32, lines 19-24, page 33, lines 5-16, and page 23, lines 11-21. Thus, all amendments of claim 1 have explicit support in the specification.

The Examiner has cited both *Regents of University of California v. Eli Lily & Co.*, 43 USPQ2d 1398 (Fed. Cir. 1997) (hereinafter *Lily*) and the *PTO Final Examiner Guidelines on Written Description Requirement*, 66 Fed. Reg. 1099 (January 5, 2001) (hereinafter the *Guidelines*) as supporting the rejection of claims 1-24. Applicants note that the latter citation “does not constitute substantive rulemaking and hence does not have the force and effect of law.” *Guidelines* at 1104 (emphasis added). However even if it did, neither of these references support or provide authority for the Examiner’s rejection.

Both under *Lily* and controlling precedent decided prior to *Lily* it is well established that the written description requirement requires the Applicant to describe a claimed invention in a manner which indicates to the person of ordinary skill in the art that Applicants “invented the claimed invention” as of the filing date. *Lily*, 43 USPQ2d at 1404. However, contrary to the Examiner’s position, *Lily* does not stand for the proposition that each and every embodiment of a claimed invention must be explicitly described.